City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name:	**Fan Residence**
Proposal Address:	**2669 169th Ave SE**
Proposal Description:	Proposal to modify a steep slope buffer and steep slope structure setback to construct a 451 square-foot single-family residential addition. The proposal includes 500 square feet of buffer mitigation with native steep slope buffer planting. The proposal is supported by a Critical Areas Report.
File Number:	**18-128608-LO**
Applicant:	**John Fan**
Decisions Included:	**Process II**
Planner:	**David Wong**, Land Use Planner
State Environmental Policy Act Threshold Determination:	**Exempt**
Department Decision:	**Approval with Conditions**

Elizabeth Stead, Land Use Director
Development Services Department

Application Date:	October 19, 2018
Notice of Application Publication Date:	December 6, 2018
Decision Publication Date:	April 25, 2019
Appeal Deadline:	May 9, 2019

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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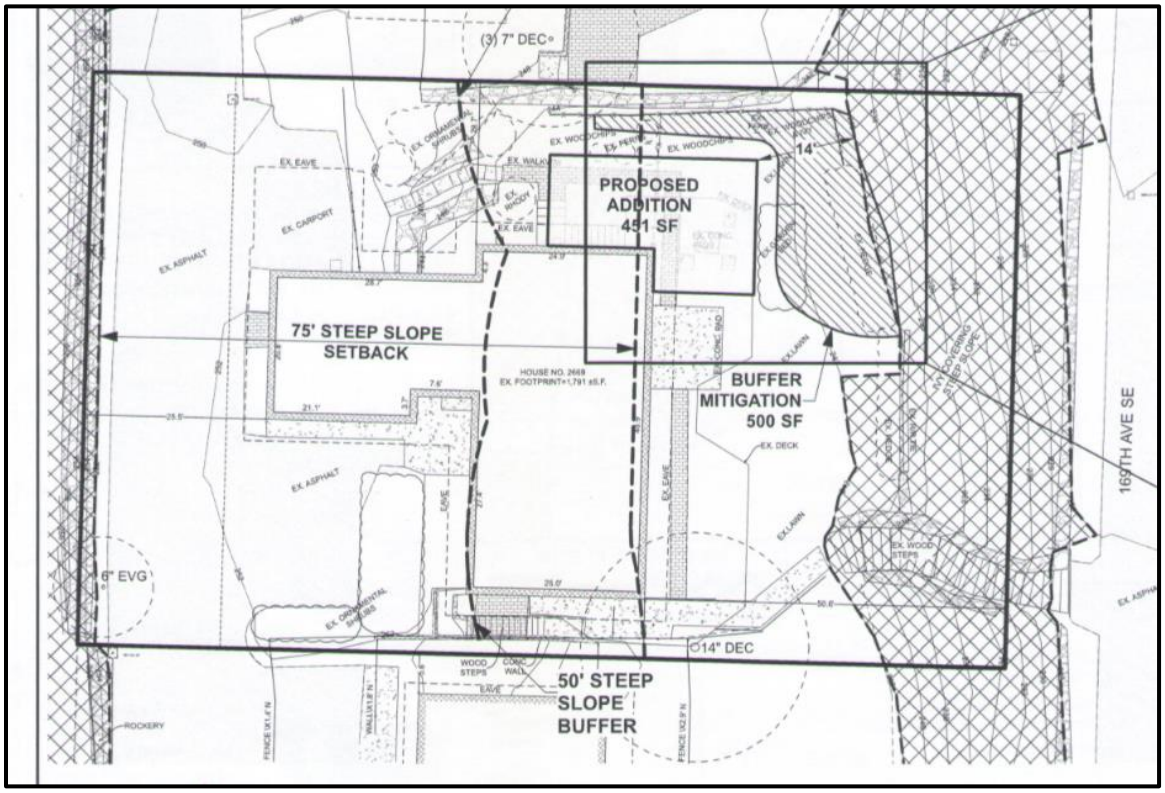
1. Site Plan
2. Critical Areas Report – Wetland Resources, Inc. - In File

I. Request & Review Process

The applicant has requested a Critical Areas Land Use Permit approval of a proposal to construct a 451 square-foot addition onto the residence located at 2669 169th Ave SE within the code required slope buffer and structure setback. Two (2) steep slope critical area with east-facing aspects, one located on the eastern portion of the property and within the adjacent City of Bellevue right of way and the other located on the western portion of the property are within the vicinity of the subject site. Steep slopes require a 50-foot buffer and a 75-foot structure setback per LUC 20.25H.120. The proposed minimum buffer is 14-feet. The proposal includes approximately 500 square feet of steep slope buffer mitigation planting to improve degraded buffer conditions that are currently present. See Figure 1 for proposed site conditions.

Figure 1



Proposals to permanently modify a steep slope buffer or steep slope structure setback require the approval of a Critical Areas Land Use Permit (CALUP) with Critical Areas Report (CAR) and are subject to the requirements of LUC 20.25H and 20.30P, including but not limited to those sections governing steep slopes, Critical Areas Reports (CAR), and mitigation.

II. Site Context & Description

A. Site Context

The site improvements include a single-family residence, driveway, at-grade patio, and deck. The site has street frontage to the east along 169th Ave SE but driveway access is located on the west side of the property through a private drive. A steep slope critical area with approximately 16 feet of elevation is located on the eastern portion of the property and is continues offsite on the adjacent parcels to the north and the south. A steep slope critical area is also located off-site to the west of the property. The existing single-family home is located within the steep slope buffer and with the steep slope structure setback. Large portions of the steep slope and steep slope buffer are degraded critical areas conditions covered by non-native grass, ornamental shrubs, and invasive species. The site soils have been identified as Arents, Alderwood material (AmC) according mapping provided by the Natural Resources Conservation Service (NRCS). See Figure 2 below for the current site conditions**.**

Figure 2

B. Zoning & Subarea

The property is zoned R-5 (Single-Family Residential) and is located within the Newcastle subarea. See Figure 3 for zoning map and Figure 4 for subarea information.

Figure 3

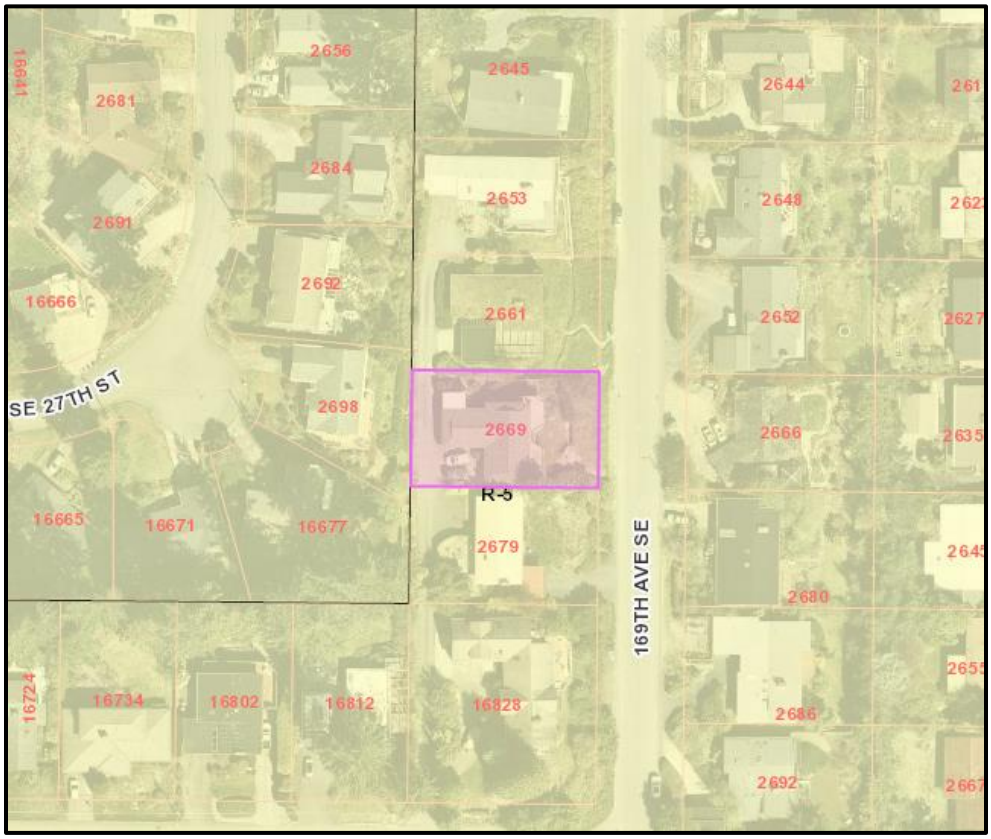
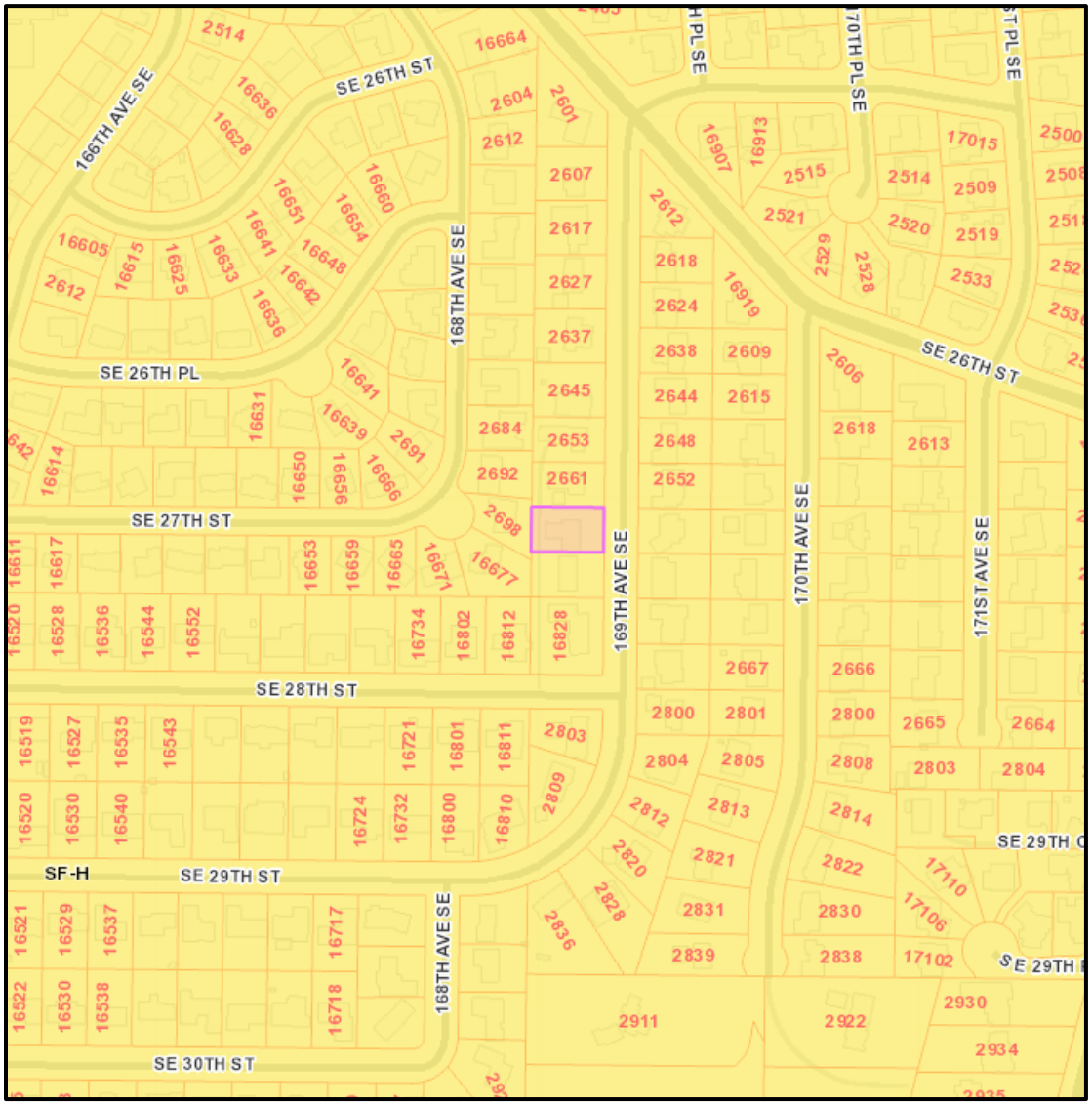


Figure 4

C. Land Use Context

The site has a Comprehensive Plan designation of SF-H, or Single-Family High Density. The site is adjacent to residential uses on all sides with Weowna Park located approximately 1,200 feet to the north. See Figure 6 for Comprehensive Plan designation.

Figure 5



D. Critical Areas Functions and Values

i. Geologic Hazard Areas

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provides a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The site is located within the R-2.5 zoning district. All zoning dimensional standards will be confirmed during review of the required building permit.

Basic Information			
Zoning District	R-5		
Gross Lot Area	10,368 square feet (0.43 acres)		
Dimensional Requirement	**Standard**	**Proposed**	**Complies?**
Front Yard Structure Setback (feet)	20	36	Complies
Rear Yard Structure Setback (feet)	20	21	Complies
Side Yard Structure Setback (feet)	5	10	Complies
Maximum Lot Coverage (percent)	40%	37%	Complies
Maximum Impervious Surface (percent)	55%	53.1%	Complies
Minimum Greenspace (percent)	50	91%	Complies

B. Consistency with Land Use Code Critical Areas Performance Standards:

i. Steep Slope & Geologic Hazards Performance Standards – 20.25H.125

In addition to generally applicable performance standards set forth in LUC 20.25H.055 and 20.25H.065, development within a landslide hazard or steep slope critical area or the critical area buffers of such hazards shall incorporate the following additional performance standards in design of the development, as applicable. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

1. **Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;**
   No changes to the natural contour of the steep slope or steep slope buffer outside of the addition footprint are proposed. Minimal grading within the footprint is required since grade within the existing steep slope buffer is relatively flat (approximately1-foot of elevation change) where the proposed addition footprint will be.

2. **Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;**
   The proposed addition is located entirely outside of the steep slope buffer and within an area that currently contains an elevated deck and concrete patio. Vegetation within this area primarily consists of non-native and ornamental grasses.

3. **The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;**
   Based on finding and recommendations made by the project Geotechnical Engineer, "…*the construction should not negatively impact slope stability on the project site."* (CAR; Geogroup NW pg.2) and *"The development does not increase risk or buffers on neighboring properties."* See Section X for Conditions of Approval.

4. **The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining wall;**
   No new retaining walls or artificially graded slopes are proposed.

5. **Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;**
   By locating the proposed addition over an existing concrete patio increased impervious surface amounts have been minimized resulting in only an additional 154 SF of total impervious surface associated with the 541 square foot addition.

6. **Where change in grade outside the building footprint is necessary, the site retention system should be stepped and regrading should be designed to minimize topographic modification. On slopes in excess of 40 percent,**

grading for yard area may be disallowed where inconsistent with this criteria;
No changes in grade are proposed outside of the building footprint.

7. **Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation;**
   No rockeries or freestanding retaining walls are proposed.

8. **On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;**
   The proposed addition has been located outside of the steep slope critical area and in an area with approximately 1-foot of elevation change.

9. **On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill-based construction types; and**
   No new parking areas or garages are proposed.

10. **Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210. (Ord. 5680, 6-26-06, § 3)**
    The proposal includes mitigation plans to provide 500 square feet of new, native slope buffer planting to off-set the 451 square-foot addition within the steep slope buffer and structure setback. The species and densities provided in the conceptual mitigation planting plan generally conform to the requirement of the City's Critical Areas Handbook, and the applicant will be required to provide a final mitigation planting plan under the Building Permit application. Conformance with the City's Critical Areas Handbook will be determined at the time of Building Permit review. See Section X for Conditions of Approval.

C. Consistency with Critical Areas Report LUC 20.25.230.
The applicant supplied a complete critical areas report prepared by Wetland Resources, Inc., a qualified professional (Attachment 2). The report met the minimum requirements in LUC 20.25H.250.

IV. Public Notice and Comment

Application Date:	October 19, 2018
Public Notice (500 feet):	December 6, 2018
Minimum Comment Period:	December 20, 2018

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on December 6, 2019. It was mailed to property owners within 500 feet of the project site. No comments have been received from the public as of the writing of this staff report.

V. Summary of Technical Reviews

Clearing and Grading:
The Clearing and Grading Division of the Development Services Department has reviewed the proposed development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development.

Utilities:
City of Bellevue Utilities staff has reviewed the proposed development for compliance with City of Bellevue Utilities codes and standards. Utilities staff found no issues with the proposed development.

VI. State Environmental Policy Act (SEPA)

The proposal is exempt from SEPA review, per WAC 197-11-800 and BCC 22.02.032. Construction of a single-family residence is a categorical exemption.

VII. Changes to Proposal as a Result of City Review

No significant changes were requested by City staff during the review of this proposal.

VIII. Decision Criteria

A. Critical Areas Report Decision Criteria-Proposals to Reduce Regulated Critical Area Buffer LUC 20.25H.255.

The Director may approve, or approve with modifications, a proposal to reduce the regulated critical area buffer on a site where the applicant demonstrates:

1. The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in overall critical area or critical area buffer functions;

Finding: The proposal includes a mitigation plan that includes native planting within the steep slope buffer. The CAR (Attachment 2) identifies and documents the degraded conditions on-site, both in the area of where the proposed single-family addition is and where the proposed mitigation planting will occur. With the installation of native vegetation, net improvement is expected, primarily through the improvements to the current habitat conditions, stormwater quality, and slope buffer stability. See Section X for Conditions of Approval.

2. The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in the most important critical area or critical area buffer functions to the ecosystem in which they exist;

Finding: Much of the slope buffer and slope structure setback on-site are degraded due to the presence of permanent improvements (existing structure, driveway, lawn, etc.). These areas have low levels of buffer functions identified and described in the CAR (Attachment 2). The mitigation planting plan was designed to improve degraded conditions through increased biodiversity of native plant species. See Section X for Conditions of Approval.

3. The proposal includes a net gain in stormwater quality function by the critical area buffer or by elements of the development proposal outside of the reduced regulated critical area buffer;

Finding: The removal of non-native grasses and invasive species, and replacement of those areas with dense native specimens will result in improved stormwater functions of filtration. Overall stormwater quality is expected to be improved.

4. Adequate resources to ensure completion of any required restoration, mitigation and monitoring efforts;

Finding: A five-year maintenance and monitoring plan has been included in the proposal. In addition to maintenance and monitoring activities, an assurance device associated with the maintenance and monitoring will be required as part of the Building Permit. See Section X for Conditions of Approval.

5. The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area and critical area buffers off-site; and

Finding: The modifications and performance standards included in the proposal are not detrimental to off-site critical areas and buffers, and are expected to lead to improved buffer function for on-site and off-site steep slope critical areas and buffers. As noted in the Critical Areas Report the existing low level of functions provided by this site would continue without the buffer reduction and buffer enhancement plan. The slope buffer functions will be enhanced with the proposed actions.

6. The resulting development is compatible with other uses and development in the same land use district. (Ord. 5680, 6-26-06, § 3)

Finding: The proposal does not change the underlying zoning or existing land use. The existing single-family residence will be demolished and replaced with this proposal.

B. Critical Areas Land Use Permit Decision Criteria 20.30P

The Director may approve or approve with modifications an application for a critical areas land use permit if:

1. The proposal obtains all other permits required by the Land Use Code;

Finding: The applicant will be required to apply for a Building Permit after the approval of the Critical Areas Land Use Permit. See Section X for Conditions of Approval.

2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;

Finding: The proposal has been designed and located to minimize impacts to and improve critical area and buffer functions. The proposed single-family addition is located within an area of existing development and within a buffer area of low buffer function due to degraded conditions. Locating the development as proposed has the least impact on the critical area and critical area buffer. The design includes the removal of an existing non-native and invasive vegetation near the steep slope and within the steep slope buffer and includes native mitigation planting of native species commonly found within steep slope and steep slope buffers.

The review of this permit is reliant upon the findings of qualified professionals submitted by the applicant as part of this proposal. The property owner will be required to execute a Hold Harmless Agreement releasing the City from liability for any improvements within the critical area or critical area buffer. **See Conditions of Approval in Section X of this report.**

3. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and ;

Finding: As discussed in Section III.B of this report, the proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable.

4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;

Finding: The site is currently served by adequate public facilities and no additional need is anticipated with this proposal.

5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and

Finding: The proposal includes a preliminary mitigation plan that provides native planting consistent with LUC 20.25H.210. The plan also contains a five-year

maintenance and monitoring plan to ensure successful establishment of installed planting. See Section X for condition of approval.

6. The proposal complies with other applicable requirements of this code.

Finding: As discussed in Section III and V of this report, the proposal complies with all other applicable requirements of the Land Use Code.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the proposal to construct a 451 square-foot single-family addition at 2669 169th Ave SE as shown on the proposed plans (Attachment 1).

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a Building Permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Utilities Code- BCC 24	Jeremy Rosenlund, 425-452-7683
Land Use Code- BCC 20.25H	David Wong, 425-452-4828

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

1. Building Permit Required: Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. A Building Permit shall be required and approved. Plans consistent with those submitted as part of this permit application shall be included in the Building Permit application.

Authority: Land Use Code 20.30P.140
Reviewer: David Wong, Land Use

2. Mitigation Plan: A final mitigation plan in accordance with the conceptual mitigation plan provided under this application shall be submitted for review and approval by the City of Bellevue prior to issuance of the Building Permit. The plan shall document the total area of new critical area buffer planting and the plans shall be consistent with the guidance provided in the City's Critical Areas Handbook.

Authority: Land Use Code 20.25H.105.C.3
Reviewer: David Wong, Land Use

3. Maintenance & Monitoring: A maintenance & monitoring plan in conformance with the plan submitted under this application shall be submitted for review and approval by the City of Bellevue prior to issuance of the Building Permit. The mitigation plan shall be maintained and monitored for a minimum of five (5) years. Annual reporting shall be submitted at the end of each growing season or by December 1 for each of the five years this plan is applicable. All reporting shall be submitted by email to **dwong@bellevuewa.gov**. or by mail to:

Environmental Planning Manager
Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Authority: Land Use Code 20.25H.220.D, 20.25H.220.H
Reviewer: David Wong, Land Use

4. Maintenance and Monitoring Assurance Device: A financial surety is required to be submitted to ensure the mitigation planting successfully establishes. A maintenance assurance device that is equal to 20% of the cost of plants, installation, and the cost of monitoring is required to be held for a period of five (5) years from the date of building permit issuance. A cost estimate is required to be provided with the building permit. The financial surety is required to be posted prior to building permit issuance. Release of the surety after the 5-year monitoring period is contingent upon a final inspection of the planting by Land Use Staff that finds the maintenance and monitoring plan was successful and the mitigation meets performance standards.

Authority: Land Use Code 20.25H.220.F
Reviewer: David Wong, Land Use

5. Hold Harmless Agreement: Prior to building permit approval, the applicant or property owner shall submit a hold harmless agreement releasing the City of Bellevue from any and all liability associated with the steep slope buffer modification. The agreement must meet city requirements and must be reviewed by the City Attorney's Office for formal approval.

Authority: Land Use Code 20.30P.170
Reviewer: David Wong, Land Use

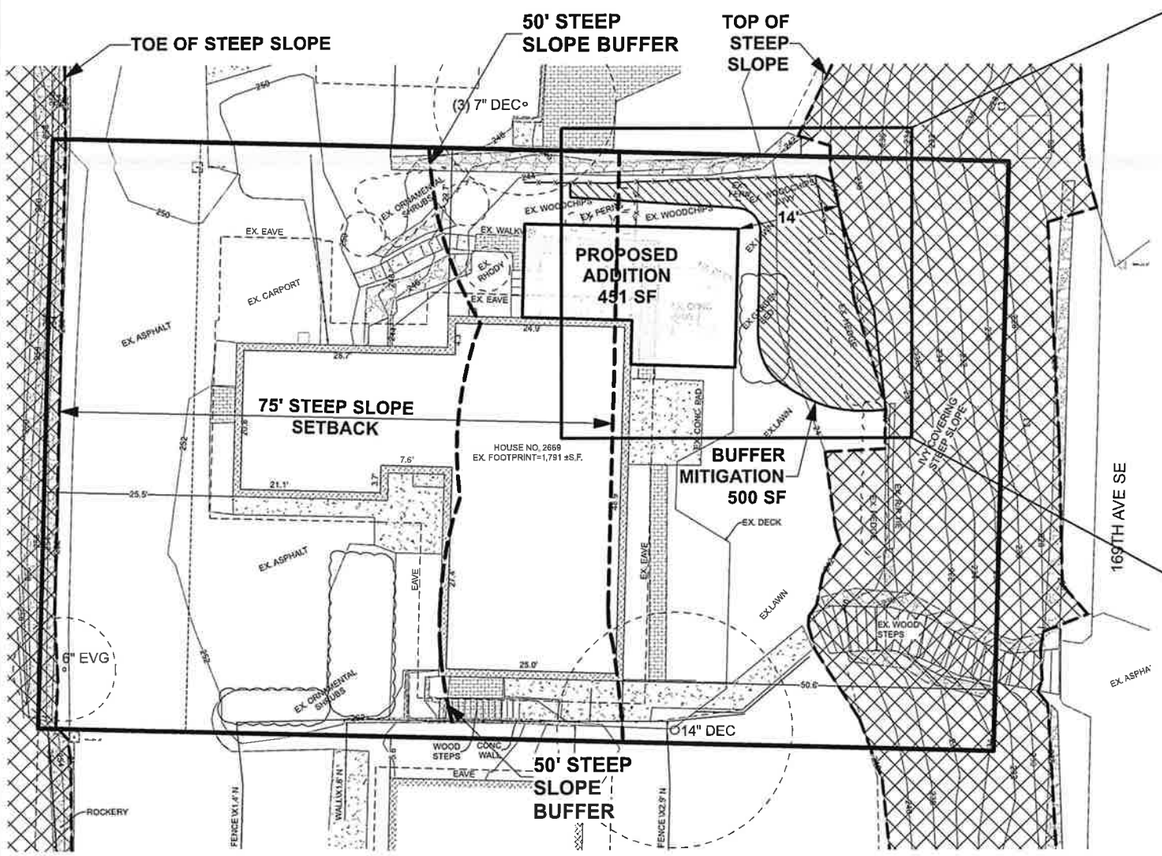
6. Rainy Season restrictions: Due to the proximity to a steep slope, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,
Reviewer: Savina Uzunow, Clearing & Grading

BUFFER MITIGATION MAP
FAN SFR ADDITION - 169TH AVE SE
PTN. OF SECTION 12, TOWNSHIP 24N, RANGE 5E W.M.

Steep Slope Buffer Impacts and Mitigation Summary

Impact Area (square feet)	Mitigation Type	Mitigation Area (square feet)	Mitigation Ratio
451	Enhancement	500	1.1:1



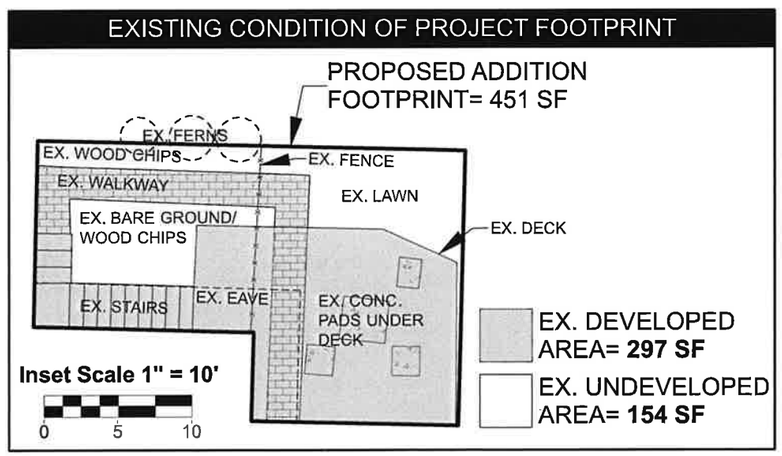
Scale 1" = 20'

0 10 20 30 40

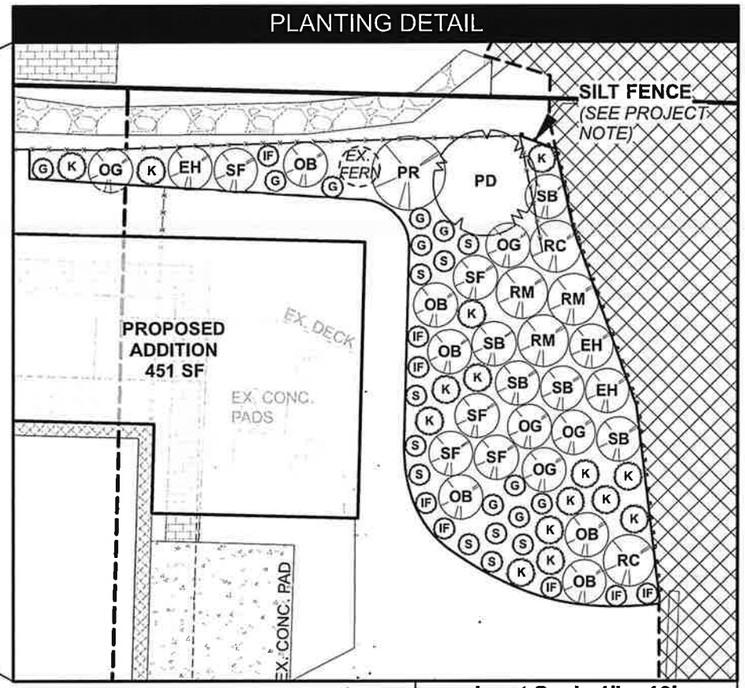
LEGEND

- STEEP SLOPES >40%
- STEEP SLOPE BUFFER/SETBACK
- BUFFER MITIGATION AREA
- EXISTING VEGETATION

EXISTING CONDITION OF PROJECT FOOTPRINT



PLANTING DETAIL



Inset Scale 1" = 10'

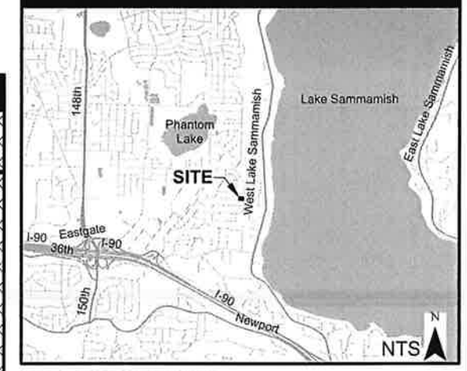
0 5 10 15 20

PLANT LEGEND

PD	Pacific Dogwood (*Cornus nuttallii*)	9' O.C.	1
PR	Pacific Rhododendron (*Rhododendron macrophyllum*)	5' O.C.	1
RM	Rose Meadowsweet (*Spiraea splendens*)	3.5' O.C.	3
RC	Red-flowering Currant (*Ribes sanguineum*)	3.5' O.C.	2
EH	Evergreen Huckleberry (*Vaccinium ovatum*)	3' O.C.	3
SB	Snowberry (*Symphoricarpos albus*)	3' O.C.	5
OB	Oregon box (*Paxistima myrsinites*)	3' O.C.	6
OG	Low Oregon grape (*Mahonia nervosa*)	3' O.C.	5
SF	Sword fern (*Polystichum munitum*)	3' O.C.	5
K	Kinnikinnick (*Arctostaphylos uva-ursi*)	2' O.C.	15
IF	Idaho Fescue (*Festuca idahoensis*)	2' O.C.	8
S	Coast Strawberry (*Fragaria chiloensis*)	2' O.C.	10
G	Wild Ginger (*Asarum canadense*)	2' O.C.	10

*Plant density based on triangular spacing.

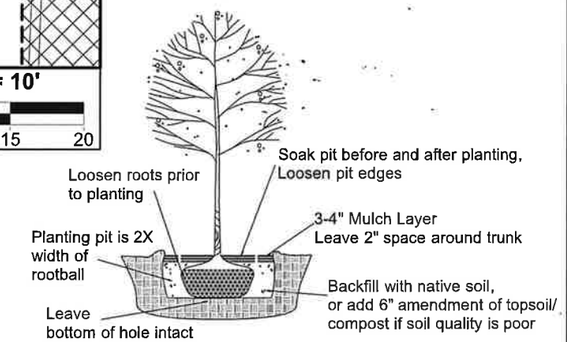
VICINITY MAP



PROJECT NOTES:

1) BEFORE VEGETATION REMOVAL, A *SILT FENCE* (OR SIMILAR) SHOULD BE INSTALLED AND LEFT IN PLACE UNTIL NATIVE PLANT INSTALLATION IS COMPLETE AND SOILS ARE STABILIZED.

2) AT LEAST 3" OF WOODCHIP MULCH SHALL BE APPLIED TO THE ENTIRE ENHANCEMENT AREA AFTER PLANT INSTALLATION.



TREE & SHRUB PLANTING DETAIL
No Scale

Wetland Resources, Inc.
Delineation / Mitigation / Restoration / Habitat Creation / Permit Assistance
9505 19th Avenue S.E. Suite 106 Everett, Washington 98208
Phone: (425) 337-3174
Fax: (425) 337-3045
Email: mailbox@wetlandresources.com

BUFFER MITIGATION MAP
FAN SFR ADDITION - 169TH AVE SE
City of Bellevue, WA

Sheet 1/1
WRI Job # 18328
Drawn by: ED
Date: 10/12/2018
Revision 1: 01/24/2019

John Fan
2669 169th Ave SE
Bellevue, WA 98008